

REMARKS

By this Amendment, Applicant adds new claims 37-39, such that claims 1-39 are now pending.

CLAIMS 1-36

In the last Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 102(e) based on U.S. Patent No. 6,615,189 ("*Phillips*"). For the reasons below, Applicant traverses this rejection and requests the Examiner to withdraw it.

In order to properly reject a claimed invention under 35 U.S.C. § 102, each and every element of the claim at issue must be found, either expressly or under principles of inherency, in a single prior art reference. "The identical invention must be shown in as complete detail as is contained in the . . . claim[s]." See M.P.E.P. § 2131 (8th Ed. May 2004). And, "[t]he elements must be arranged as required by the claim." *Id.*

Phillips discloses a method of issuing a purchase card. *Phillips*, Abstract. *Phillips*'s method includes presenting an opportunity to a purchaser to buy a purchase card, determining whether the purchaser has sufficient funds to pay for the purchase card, creating a purchase card account for a recipient designated by the purchaser, and issuing the purchase card to the purchaser or recipient. *Id.* The place of delivery for the purchase card may be arranged sometime before the delivery. *Id.*, col. 4, ll. 6-8.

Regarding claim 1, *Phillips* does not disclose a method that comprises "receiving financial card distribution information from a consumer, wherein the financial card distribution information identifies at least one recipient for a financial card and a predetermined delivery time for providing the financial card to the recipient; . . . and preparing a communication to the recipient to provide the financial card to the recipient

at the predetermined delivery time,” as recited in claim 1. *Phillips* makes no mention of receiving a “predetermined delivery time” from a “consumer” and preparing a “communication” to a “recipient” to provide a “financial card” at the “predetermined delivery time.” Notably, the Examiner does not even allege that *Phillips* discloses these features. Indeed, as noted above, *Phillips* merely discloses issuing a purchase card to a purchaser or recipient to a place of delivery sometime before the delivery. Accordingly, *Phillips* fails to teach or suggest each and every element recited in claim 1, and the rejection of claim 1 under 35 U.S.C. § 102(e) should be withdrawn.

For dependent claims 2-12, the rejection under 35 U.S.C. § 102(e) based on *Phillips* should be withdrawn at least by virtue of their dependence upon allowable claim 1. In addition, the rejection of claims 2-12 should be withdrawn by virtue of the patentable subject matter respectively recited therein. For example, for claim 8, *Phillips* does not disclose “providing the consumer with date selection criteria for allowing the consumer to identify the predetermined delivery time, wherein the consumer may identify multiple delivery times respectively associated with multiple financial cards,” as recited in this claim. Accordingly, the rejection of claims 2-12 under 35 U.S.C. § 102(e) is unsupported by *Phillips*.

Although claims 13-36 recite different limitations and have scopes different from that of claims 1-12, the rejection of claims 13-36 under 35 U.S.C. § 102(e) based on *Phillips* should be withdrawn for reasons similar to the ones discussed above for claims 1-12.

NEW CLAIMS 37-39

Applicant has added new claims 37-39. Claims 37-39 are supported by the specification and drawings. *See e.g.*, Specification, p. 11; Fig. 3. Accordingly, no new matter has been added.

Claims 37-39 are allowable at least by virtue of their dependence upon allowable claims 1, 13, and 25, respectively, in addition the patentable subject matter recited therein.

CONCLUSION

Applicant respectfully requests reconsideration of this application and the timely allowance of the pending claims.

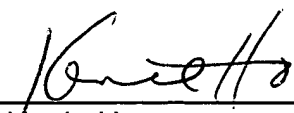
Further, the Office Action contains a number of statements characterizing the related art and claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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